IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO. 173 OF 2004

D. D. Jagtap & Ors... ..... Petitioners.

Versus

State of Maharashtra & Ors... ... Respondents.

Ms.Kavita Pawar with Mr. S. Kshirsagar
for the Petitioners.
Mr.N.P.Deshpande, AGP for the State.

-: ALONG WITH :-

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2043 OF 2006

Bastav Jaki Pinto & Ors. ..... Petitioners.

Versus

State of Maharashtra & Ors... ... Respondents.

Mr. Amit Sale for the Petitioners.
Mr.M.S.Mhambrey, APP, for the State.

CORAM : SWATANTER KUMAR, C.J. &
SMT.RANJANA DESAI, J.

DATED : 11TH JULY, 2007.

P.C.:

In both these petitions the petitioners have

raised a common grievance, wherein they pray that Special Investigation Team of senior officers should be constituted to investigate in the scam of Bhudargad Nagari Sahakari Patsanstha Limited, Gargoti, District Kolhapur. According to them, various loan transactions are fictitious and in fact large number of persons are in possession of the stolen property but they have not been made accused under Section 411 of the Indian Penal Code for receiving stolen property.

2. State in its reply affidavit filed in the Court, in paragraphs 4 and 5 have stated as under:-

> "4. I say that record further reveals that CR No.73/2004 of Bhudargad Police Station was registered on 3.12.2004. I say that initially, the investigation of the said CR was carried on by Police Inspector A. R. Patil and looking to the seriousness of the offence, said CR vide Order No.PMS/22/CID/787/Kolhapur/03 dated 03.02.2005, passed by the Director General of Police for the State of Maharashtra. The case was being supervised by Superintendent of Police, Pune, C.I.D., M.S., Pune, till 26.02.2004. After that the case was transfer to E.O.W., CID, Pune

on 06.01.2006 and Superintendent of Police, E.O.W., Shobha Ohatkar, I.P.S. is supervising the case henceforth. The investigation was carried out speedily on a war footing as a result of which all the accused were arrested and charge-sheet was filed against all of them. I say that thereafter, the investigation of the said C.R. was carried out by Deputy Superintendent of Police Shri Chougule. In the said C.R., charge-sheet came to be filed on 31.07.2006 before the learned Judicial Magistrate, First Class, Bhudargad, Dist. Kolhapur against 60 accused persons and it was numbered as C.C.No.40/2006. I say that in the said CR, supplementary charge-sheet came to be filed on 18.10.2006 against two accused persons which was numbered as CC No. 65/2006.

5. I say that record further reveals that CR No.73/2004 of Bhudargad Police Station was registered on 03.12.2004. I say that initially, the investigation of the said CR was carried on by Police Inspector A. R. Patil and looking to the seriousness of the offence said CR vide Order No. PMS/22/CID/787/Kolhapur/03 dated 03.02.2005, passed by the Director General of Police for the

State of Maharashtra was transferred to the State C.I.D. and the investigation of the said CR is being carried out by Police Inspector S. P. Bandgar, State CID, Unit Sangli since then. In the said CR, the charge-sheet came to be filed on 17.08.2006 against 23 accused persons before the learned Judicial Magistrate, First Class, Bhudargad, which is numbered as CC No.45/2006. I further submit that in the said CR, supplementary charge-sheet came to be filed o 17.10.2006 against 8 accused persons before the Leaned Magistrate, First Class, Bhudargad which is numbered as CC No.64/2006."

3. It is further stated by the learned Counsel appearing for the State that the investigation has not been finally concluded and further investigation is still pending. He further states that the State Authority would do their best to complete the investigation expeditiously and ensure that no person guilty of an offence is protected and all are brought to book in accordance with law.

4. In view of the statement made by the learned Counsel appearing for the State, no fruitful purpose will be served by keeping these two petitions pending

in this Court. Accordingly, we dispose of both the petitions with a direction that the respondent - State shall abide by its statement and would complete investigation within six months from today. The averments made in the writ petition, particularly in relation to fictitious loans and action against the receivers of the stolen property shall be specifically looked into by the investigating agency.

5. Both parties are left to bear their own costs.

Sd/-

CHIEF JUSTICE

Sd/-

SMT.RANJANA DESAI, J.